

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

DAVOL, INC.,

Plaintiff,

v.

ATRIUM MEDICAL CORPORATION,

Defendant.

C.A. No. 12-958-GMS

JURY TRIAL DEMANDED

DECLARATION OF GREGORY P. TERAN, ESQ. IN SUPPORT OF
DEFENDANT'S OPENING BRIEF IN SUPPORT OF ITS
MOTION TO STAY LITIGATION PENDING
INTER PARTES REVIEW OF TWO OF THE THREE PATENTS-IN-SUIT

I, Gregory P. Teran, do hereby declare under penalty of perjury pursuant to 28 U.S.C.

§ 1746 as follows:

1. I am an attorney at the law firm of Wilmer Cutler Pickering Hale and Dorr LLP, counsel of record for Defendant Atrium Medical Corporation ("Atrium") in the above-captioned matter. I have personal knowledge of the facts stated herein and, if called as a witness, would competently testify thereto.

2. Attached to this Declaration as **Exhibit A** is a true and correct copy of Atrium's Petition for *Inter Partes* Review of Claims 1-59 of U.S. Patent No. 7,806,905 filed March 13, 2013 (minus appendices).

3. Attached to this Declaration as **Exhibit B** is a true and correct copy of Atrium's Petition for *Inter Partes* Review of Claims 60-86 of U.S. Patent No. 7,806,905 filed March 13, 2013 (minus appendices).

4. Attached to this Declaration as **Exhibit C** is a true and correct copy of Atrium's Petition for *Inter Partes* Review of Claims 1-23 and 78-98 of U.S. Patent No. 7,785,334 filed March 14, 2013 (minus appendices).

5. Attached to this Declaration as **Exhibit D** is a true and correct copy of Atrium's Petition for *Inter Partes* Review of Claims 24-49 of U.S. Patent No. 7,785,334 filed March 14, 2013 (minus appendices).

6. Attached to this Declaration as **Exhibit E** is a true and correct copy of Atrium's Petition for *Inter Partes* Review of Claims 50-77 of U.S. Patent No. 7,785,334 filed March 14, 2013 (minus appendices).

7. Attached to this Declaration as **Exhibit F** is a true and correct copy of Atrium's Petition for *Inter Partes* Review of Claims 99-126 of U.S. Patent No. 7,785,334 filed March 14, 2013 (minus appendices).

8. Attached to this Declaration as **Exhibit G** is a true and correct copy of the docket in *Clearlamp, LLC v. LKQ Corp.*, No. 12-02533 (N.D. Ill.) as of March 12, 2013.

9. Attached to this Declaration as **Exhibit H** is a true and correct copy of Dkt. No. 43 (minus exhibits), Def.'s Motion to Stay, in *Clearlamp, LLC v. LKQ Corp.*, No. 12-02533 (N.D. Ill.).


10. Attached to this Declaration as **Exhibit I** is a true and correct copy of the docket in *Board of Trustees of the University of Illinois v. Micron Tech., Inc.*, No. 11-2288-SLD-JAG, (C.D. Ill.) as of March 12, 2013.

11. Attached to this Declaration as **Exhibit J** is a true and correct copy of United States Patent and Trademark Office, *Inter Partes Reexamination Filing Data* – June 30, 2012,

available at http://www.uspto.gov/patents/stats/IP_quarterly_report_June_30_2012.pdf (last visited Mar. 12, 2013)

12. Attached to this Declaration as **Exhibit K** is a true and correct copy of Dkt. No. 410 (Order) *Network-1 Security Solutions, Inc. v. Alcatel-Lucent USA Inc.*, No. 11-492-LED-JDL (E.D. Tex. Mar. 5, 2013).

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge, information and belief. Executed on this 15th day of March, 2013 in Boston, Massachusetts.



Gregory P. Teran

CERTIFICATE OF SERVICE

I hereby certify that on March 18, 2013, I caused to be served by **hand delivery and electronic mail** copies of the foregoing document and electronically filed the same with the Clerk of Court using CM/ECF which will send notification of such filing(s) to the following:

Jack B. Blumenfeld
Paul Saindon
Morris, Nichols, Arsht & Tunnell LLP
1201 North Market Street
P.O. Box 1347
Wilmington, DE 19899
(302) 658-9200
jbbefiling@mnat.com
psaindon@mnat.com

I further certify that on March 18, 2013, I caused to be served by **electronic mail** copies of the foregoing document upon the following counsel of record:

Steven C. Cherny
Benjamin A. Lasky
Kirkland & Ellis LLP
601 Lexington Avenue
New York, NY 10022
(212) 446-4800
steven.cherny@kirkland.com
benjamin.lasky@kirkland.com

/s/ Anne Shea Gaza
Anne Shea Gaza (#4093)
gaza@rlf.com